

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by 1st submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Due to time restraints, the Secretary of State's Office will no longer edit the text of proposed rules. We will continue to make numbering and labeling changes as necessary.

Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022.

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 19. BOARD OF NURSING

PREAMBLE

1. **Sections affected**
R4-19-303
- Rulemaking action:**
Amend
2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. § 32-1606(A)
Implementing statutes: A.R.S. §§ 32-1635 and 32-1640
3. **A list of all previous notices appearing in the *Register* addressing the proposed rule:**
Notice of Rulemaking Docket Opening: 5 A.A.R. 461, February 5, 1999.
4. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Janet M. Walsh, Associate Director
Address: Arizona State Board of Nursing
1651 East Morten, Suite 150
Phoenix, Arizona 85020
Telephone: (602) 331-8111, Ext. 145
Fax: (602) 906-9365
5. **An explanation of the rule, including the agency's reasons for initiating the rule:**
Pursuant to A.R.S. § 32-1606(B), all applicants for initial licensure or certification are required to submit fingerprints for the purpose of obtaining a state and federal criminal history. At the present time, receipt of the federal criminal history can take up to 4 months. As a result, the Board is concerned that applicants for licensure by examination will experience delays in the licensure process and be unable to work until the federal criminal history is received from the FBI. To address this concern, the Board voted to amend R4-19-303 and allow applicants for licensure by examination, as well as applicants for licensure by endorsement, to obtain a temporary license if they meet the qualifications for licensure, have passed the NCLEX examination, and lack a state criminal history.
6. **A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**
None at the present time.
7. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable.
8. **The preliminary summary of the economic, small business, and consumer impact:**
The amendment to R4-19-303 will extend the availability of a temporary license to applicants for licensure by examination as well as applicants for licensure by endorsement. Applicants for licensure by examination will be required to pay \$25 to obtain a temporary license if they desire one. At the present time, it is estimated that approximately 50% of these applicants will apply

Arizona Administrative Register
Notices of Proposed Rulemaking

for a temporary license at a cost of \$25, which will result in less than \$1,000 in revenue for the Board.

The amendment to this rule significantly benefits the employers of professional and practical nurses because applicants for licensure by examination may be considered for a temporary license, thereby allowing them to enter the work force before the Board's receipt of the federal criminal history which is anticipated to take 90 to 120 days.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Janet M. Walsh, Associate Director
Address: Arizona State Board of Nursing
1651 East Morten, Suite 150
Phoenix, Arizona 85020
Telephone: (602) 331-8111, Ext. 145
Fax: (602) 906-9365

10. The time, place and nature of the proceedings for the adoption, amendment, or repeal of the rule, or if no proceeding is schedule, where, when, and how many persons may request an oral proceeding on the proposed rule:

The Board has scheduled a public hearing on the proposed amendment to R4-19-303 for March 11, 1999, at 1 p.m.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
Not applicable.

12. Incorporation by reference and their location in the rules:
Not applicable.

13. The full text of the rule follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 19. BOARD OF NURSING

ARTICLE 3. LICENSURE

Section

R4-19-303. Temporary License

ARTICLE 3. LICENSURE

R4-19-303. Temporary License

- A.** ~~The board may issue a temporary license to an~~ An applicant who is qualified pursuant to A.R.S. § 32-1635 or § 32-1640 and who desires ~~desiring~~ to practice nursing pending licensure who lacks any state criminal history obtained pursuant to A.R.S. § 41-1750. may submit a written request to the Board for a temporary permit, together with a completed application for licensure on a form provided by the Board in accordance with this Article, and other documents required to be submitted or an official statement from another state board of nursing verifying that the applicant has a current license in good standing. An applicant for licensure by endorsement may also submit a request to the Board for a temporary permit. The permit, if issued, shall be valid for a period of two months commencing from the date of the completed application and receipt of fees by the Board.
- B.** An applicant who has filed an application for renewal of a license which has been inactive or expired for five or more years may also submit a written request to the Board for a

~~temporary permit to practice to allow the applicant to complete a reentry update program. and who:~~

- 1. Is qualified under**
 - a. A.R.S. § 32-1635 AND § 32-1640, and**
 - b. R4-19-301 and R4-19-302;**
- 2. Has filed an application for licensure by endorsement and who has submitted documents or an official statement from another state board of nursing verifying that the applicant has a current license in good standing; or**
- 3. has filed an application for renewal of a license which has been inactive or expired for 5 or more years and who desires to complete a reentry update program.**
- B. Applicants who disclose a history of pending disciplinary charges, criminal convictions, chemical dependency, pending investigations or disciplinary action by a regulatory agency, or malpractice claims are not eligible for a temporary license without prior approval of the board.**
- C. A temporary license is valid for a maximum of 6 months from the date:**
 - 1. The board receives a complete application and fees, or**
 - 2. The board approves issuance of a temporary license.**
- CD. A temporary permit license shall expire on the date set forth on the permit LICENSE, unless the permit license holder applies for and is granted an extension by the Board or the Board's Executive Director.**